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May 22, 1998

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Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, D.C. 20554

Re: WT Docket No. 98-20

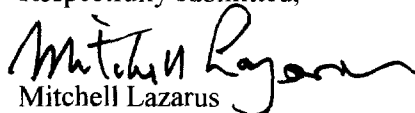
Dear Ms. Salas:

On behalf of the Fixed Point-to-Point Communications Section, Wireless Communications Division, Telecommunications Industry Association, I submit for filing with the Commission the original and nine copies (including copies for the Commissioners) of Comments in the above-referenced proceeding.

Kindly date-stamp and return the extra copy of this cover letter.

If there are any questions about this filing, please call me at the number above.

Respectfully submitted,


Mitchell Lazarus

ML:deb

Enclosures

cc: Mr. Dan Phythyon (w/Enclosure)
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Before the
Federal Communications Commission
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Biennial Regulatory Review — Amendment of)
Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95,) WT Docket No. 98-20
97, and 101 of the Commission's Rules to)
Facilitate the Development and Use of the)
Universal Licensing System in the Wireless)
Telecommunications Services)

**COMMENTS OF
FIXED POINT-TO-POINT COMMUNICATIONS SECTION,
WIRELESS COMMUNICATIONS DIVISION,
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Fixed Point-to-Point Communications Section, Wireless Communications Division, Telecommunications Industry Association ("TIA Fixed Point-to-Point Communications Section")¹ hereby files these Comments in response to the Notice in the above-captioned proceeding.²

¹ The Telecommunications Industry Association ("TIA") is the principal industry association representing all telecommunications equipment manufacturers, including manufacturers of equipment for the terrestrial fixed point-to-point radio services. Fixed Point-to-Point Communications Section members serve, among others, companies, including telephone carriers, utilities, railroads, state and local governments, and cellular carriers, licensed by the Commission to use private and common carrier bands for provision of important and essential telecommunications services. Sometimes a product-oriented division or a section of such a division will file in a proceeding representing the views of only the members of that division or section. This filing is specifically from the TIA Fixed Point-to-Point Communications Section and represents the views of only the members of that section.

² Universal Licensing System, WT Docket No. 98-20, Notice of Proposed Rulemaking, FCC 98-25 (released March 18, 1998) ("Notice").

In addition to the issues discussed below, the TIA Fixed Point-to-Point Communications Section supports and endorses the comments filed in this proceeding by the National Spectrum Managers Association.

I. THE TIA FIXED POINT-TO-POINT COMMUNICATIONS SECTION SUPPORTS THE FUNDAMENTAL PRINCIPLES OF THE UNIVERSAL LICENSING SYSTEM.

No one familiar with the licensing operations of the Wireless Telecommunications Bureau can dispute the need to restructure its procedures. The need is especially urgent for redesign of the Bureau's interface with its applicants and licensees. Not only has the volume of the fixed and mobile private licensees handled through the Bureau's Gettysburg site grown tremendously in recent years, but the same facility has also taken on responsibility for common carrier fixed and mobile services, including cellular, PCS, and common-carrier point-to-point, and also the broadcast auxiliary services. Although the Commission has initiated some measures that will help to cut down the numbers of license applications filed and processed,³ the Bureau still handles a staggering load of paper every year.

The growth of services under the Bureau's jurisdiction has been largely *ad hoc*, without much long-term planning. As a result, the Bureau must now contend with the regulatory equivalent of suburban sprawl. The Commission issues scores of similar, but not identical, forms with overlapping functions, and publishes a dozen rule parts with similar, but not identical, overlapping licensing provisions. It is a tribute to both industry and the Bureau's staff and

³ These measures include, for example, MTA/BTA licensing; rectangular block licensing; authorizing SMR customers to operate under the provider's license; and increasingly flexible rules for unlicensed transmitters under Part 15.

management that the vast majority of applications are nonetheless filed, processed, and granted accurately and with reasonable speed.

The TIA Fixed Point-to-Point Communications Section endorses most of the reforms proposed in the Notice, including the simplifying and streamlining of both forms and rules. We particularly endorse the advent of electronic filing, and agrees that the phase-out of paper filings for the large majority of routine license transactions not only benefits both the applicants and the Commission, but has become inevitable.

As explained below, however, the TIA Fixed Point-to-Point Communications Section has reservations about specific aspects of the Commission's plans concerning the forms and rules. We show that some of the proposed "simplifications" will instead yield unexpected complexities for licensees. Moreover, we urge the Commission to give due regard to small users, which may not be as equipped and adept in computer technologies as the Commission seems to expect.

II. CERTAIN ASPECTS OF THE PROPOSED CHANGES TO FORMS AND RULES WOULD IMPAIR EFFICIENCY, NOT ENHANCE IT, AND SHOULD NOT BE IMPLEMENTED.

A. The Proposed Consolidation of Forms Will Unnecessarily Increase the Burden on Applicants.

The Commission proposes to consolidate the dozens of forms now in use by the Bureau to five. One of those, Form 601, will be used by most applicants for most purposes. This form totals 30 pages, including its 12 schedules.

Compared to all of the forms it replaces, Form 601 may indeed appear to be a simplification. But that is the wrong comparison, because no licensee uses all of the forms being replaced. Most use only one or two. For example, a fixed point-to-point microwave licensee

uses Form 415 for nearly all its communications with the Commission. This one form covers new authorizations, amendments to applications, major and minor modifications, renewals and reinstatements, assignments and transfers of control, and even developmental authorizations. Yet the entire form, together with all of its schedules, is only seven pages long. To accomplish the same purposes, the new system requires the 30-page Form 601, plus eight pages (including schedules) of Form 603 for assignments, plus another four pages (including schedule) of Form 604 for transfers of control — a total of 42 pages to replace seven. This is hardly a simplification, at least from the applicant's viewpoint. No one applicant will ever need all of the new forms and schedules at once. The complexity of figuring out what to include with each application will be a distraction from the conduct of the applicant's business, and hence an unproductive drain on resources.

The TIA Fixed Point-to-Point Communications Section urges the Commission to rethink its proposed simplification with respect to forms, at least for fixed point-to-point applicants. Instead of requiring licensees to decipher Forms 601, 603, and 604, with their numerous schedules, the Commission should simply stay with Form 415, adjusted if necessary to conform to the requirements of electronic filing. The ability of this one seven-page form to handle ten different types of application is simplification enough.

B. The Proposed Consolidation of Procedural Rules Will Hinder Compliance.

The Commission's proposed consolidation of licensing provisions from a dozen different rule Parts into Part 1 may be a simplification for the Commission, but would only add complexity for users. The typical licensee is concerned only with the rule Part that regulates its

particular service — Part 90 for land mobile licensees, Part 101 for point-to-point licensees, and so on. Most licensees never even look at the rest of the rules.⁴ Reorganizing the rules for several services into one place would thus convert each user's relatively short and simple rules into a much longer and more complicated structure.

The consolidated licensing rules would run to least a few dozen pages. Much of this length is necessary because the rules for the various services are not made uniform. Thus, where today a user can simply consult the rules applicable its own service, the new system would require the user to hunt through multiply nested subsections to find the ones that apply. To take one example, a licensee contemplating a modification to its facility must determine whether it needs prior Commission approval. For fixed point-to-point service, the present Section 101(d) contains a plainly-worded list of modifications that require prior application. Under the Commission's proposal, in contrast, the new Section 1.929(b) would list five types of major modifications applicable to all Wireless Radio Services, followed by subsections (c), (d), and (e) that list 17 more for particular services and sub-services, with a cross-reference back to the rule parts governing certain particular services. This is a much more confusing arrangement than the present system, and greatly increases the risk of mistakes.

Hard-to-understand rules encourage disregard for the law. The TIA Fixed Point-to-Point Communications Section urges the Commission to abandon its proposal to consolidate the licensing rules, and instead to keep the licensing rules separate for each service. This will

⁴ There are exceptions, to be sure — industries such as broadcasting and telephone that may hold licenses in several services — but these account for a relatively small fraction of licensees.

promote compliance generally, and also facilitate deregulation and simplification within particular services.

III. THE COMMISSION SHOULD TAILOR ITS PLANS FOR ELECTRONIC FILING TO ENSURE ACCESSIBILITY BY THE GREATEST POSSIBLE NUMBER OF USERS.

The TIA Fixed Point-to-Point Communications Section supports the Commission's introduction of electronic filing. The Commission should recognize, however, that the trade-offs between paper and electronic filing are different for different classes of users. A large licensee has every incentive to initiate electronic filing as early as it can, because doing so will lower the licensee's own costs. Moreover, chances are such an entity already has the necessary equipment and trained personnel, or can recover the costs of acquiring them. But the cost-benefit balances are different for smaller users. There, the switch to electronic filing will often impose costs, not savings.

The following suggestions will help to accommodate the needs of small users as well as large ones.

First, the ULS system should be designed to work with the greatest possible range of hardware and software. Many small businesses are still using old computers, many of them still running old, DOS-based software. A ULS system that depends on state-of-the-art hardware and software will be inaccessible to those licensees. At the very least, ULS should be compatible with all browsers operating under Windows 3.1 on 386-class hardware, and with Macintosh equipment of comparable vintage. If at all feasible, the Commission should also develop a text-based version accessible through generic DOS communications packages such as ProComm or Q-Modem. Of course, the system must always work with the most recently-released browsers as

well, and with everything in between. Similarly, the Commission should also try to make its system accessible from the most widely-used office networks.

Second, the task of downloading and installing a PPP dialer or configuring the Windows 95 dialer will be insurmountable for unsophisticated users.⁵ The TIA Fixed Point-to-Point Communications Section understands and agrees in principle with the Commission's decision to enhance security by implementing ULS on a WAN rather than the Internet. Nevertheless, for the benefit of small users that cannot overcome the dialer problem, we urge the Commission to explore the feasibility of providing secure access to the WAN via the Internet as well. Although in principle setting up access to the Internet is no easier than for a WAN, in practice a small Internet customer has the advantages of pre-configured software and telephone assistance from its Internet Service Provider.

Third, ULS should make greater provision for assisting novice users. The Commission should work with focus groups of users to identify sources of trouble and to test corrective measures. Focus group members should be chosen to represent a range of experience with computers and with the Commission's licensing processes, including rank novices in both categories. These are some issues the Commission might examine with the aid of focus groups:

- a ULS "training mode" in which a user can practice preparing and submitting a filing, but without triggering Commission action;
- on-line tutorials that walk the user through the steps of preparing and submitting a filing;

⁵ See "Accessing the FCC Network Using Windows 3.1 or 3.11," Wireless Telecommunications Bureau, http://www.fcc.gov./wtb/uls/pppdialer_win31.html (as downloaded April 17, 1998); "Accessing the FCC Network Using Windows 95," Wireless Telecommunications Bureau, http://www.fcc.gov./wtb/uls/pppdialer_win95.html (as downloaded April 15, 1998).

- context-sensitive help screens that identify the user's goal from the present display and provide help on that task, perhaps with a menu of alternatives;
- improved error messages that both identify the problem as specifically as possible and also suggest appropriate remedial action;
- more liberal use of "Go Back," "Home," and "Exit" buttons; and
- an email address and telephone number for users to report suspected bugs or incompatibilities.

In short, the Commission should be more accommodating to the needs of licensees who are relatively unsophisticated in technology and technological skills.

Fourth, the Commission's proposed start date of January 1, 1999, for mandatory electronic filing is unrealistic. Even many sophisticated users cannot have their equipment and personnel ready by that date. Small users will find it more difficult still, especially if they must first acquire and/or configure needed computers and software. Many small users will not even be aware of a requirement for electronic filing by next January, unless the Commission intends to notify each one individually.

Finally, the Commission should acknowledge that it may never be realistically possible to migrate a full 100% of all users to electronic filing. At the very least, the Commission should permit existing licensees to file renewals and minor modifications on paper indefinitely into the future.

CONCLUSION

The Commission's goals of simplification and streamlining its forms and rules are fully appropriate. Some of the present proposals, however, while indeed simplifying the Commission's operations, will do so only at the expense of greater cost and complexity to users.

In this category are proposals that would replace short forms with long forms, and replace simple rules with complicated rules. Moreover, while the TIA Fixed Point-to-Point Communications Section fully supports the Commission's shift to electronic filing, it reminds the Commission that some users will need time and assistance to make the transition.

Respectfully submitted,

Fixed Point-to-Point Communications Section,
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